

R E M A R K S

- Claims 15, 18 and 26-35 were pending in the present application
- Claims 15, 18 and 26-35 stand rejected

Upon entry of this Response:

- Claims 15, 18 and 26-35 will be pending
- Claims 15, 18 and 35 will be the only independent claims

Telephone Interview

Applicants would like to thank the Examiner for the helpful telephone conversation held on December 30, 2002 with Applicants' representative. The Examiner and Applicants' representative discussed the present application in light of the Franklin reference.

The Examiner agreed with Applicants' representative that the Franklin reference qualifies as neither 102(b) nor 102(e) prior art with respect to the present application. The Examiner indicated that the Section 102(b) rejection in the present Office Action (Paper No. 13) would be withdrawn.

While no formal agreement was reached with respect to patentability, Applicants are grateful for the opportunity to discuss the present application with the Examiner.

Section 102(b) Rejection

Claims 15, 18 and 26-35 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,883,810 issued to Franklin et al. ("Franklin"). Applicants respectfully traverse the Examiner's Section 102(b) rejection.

As discussed above, the Examiner and Applicants' representative agree that the Franklin reference is neither 102(b) nor 102(e) prior art with respect to the present application. The Examiner indicated that the Section 102(b) rejection of Claims 15, 18 and 26-35 asserted in the present Office Action (Paper No. 13) would be withdrawn.

In order to qualify as Section 102(b) prior art, Franklin must have issued more than one year prior to the effective filing date of the present application. MPEP § 706.02(a). The Franklin reference issued on March 16, 1999. The present application is a continuation of U.S. Patent App. No. 08/919,339, filed August 28, 1997. Accordingly, Franklin is not an appropriate Section 102(b) reference, because the effective filing date of the present application (August 28, 1997) is **before the issue date of Franklin** (March 16, 1999).

In order to qualify as Section 102(e) prior art, Franklin must be a U.S. patent with a filing date earlier than the effective filing date of the present application. MPEP § 706.02(a). As understood by Applicants, the Franklin reference issued from an application filed September 24, 1997. Accordingly, Franklin is not an appropriate Section 102(e) reference because the effective filing date of the present application (August 28, 1997) is **before the filing date of the of Franklin** (September 24, 1997).

Accordingly, Applicants respectfully request the Examiner withdraw the Section 102(b) rejection of Claims 15, 18 and 26-35.

Applicants respectfully submit that Claims 15, 18 and 26-35 contain allowable subject matter.

PATENT



Application Serial No. 09/694,191  
Attorney Docket No. 96-059-C1

Conclusion

It is submitted that all of the claims are in condition for allowance. The Examiner's early re-examination and reconsideration are respectfully requested.

Please charge any fees that may be required for this Amendment to Deposit Account No. 50-0271. Furthermore, should an extension of time be required, please grant any extension of time which may be required to make this Amendment timely, and please charge any fee for such an extension to Deposit Account No. 50-0271.

If the Examiner has any questions regarding this amendment or the present application, the Examiner is cordially requested to contact Michael Downs at telephone number (203) 461-7292 or via electronic mail at [mdowns@walkerdigital.com](mailto:mdowns@walkerdigital.com).

Respectfully submitted,

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Date

Michael Downs  
Michael Downs  
Attorney for Applicants  
Registration No. 50,252  
Walker Digital, LLC  
[mdowns@walkerdigital.com](mailto:mdowns@walkerdigital.com)  
(203) 461-7292 /voice  
(203) 461-7300 /fax